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EXAMINER

GORDON, CARLENE MICHELLE

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,030	APPLIN ET AL.	
	Examiner Carlene Gordon	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 February 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-21 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 02/14/02.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on February 14, 2002.

Claims 1-21 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "initial" in claims 1, 9, and 18 is a relative term which renders the claims indefinite. The term "initial" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

5. Claims 2, 10, and 19 recite the limitation "the computer application".

There is insufficient antecedent basis for this limitation in the claims.

6. Claims 2, 10, 19 include the limitation "the initial version includes the respective version". It is unclear what is the scope of the claim by the placement of the term "includes", as it is unclear how one version *includes* another version.

7. Claims 3 and 11 are unclear because of the inclusion of the step of "determining the initial version", given, the initial version is already identified in claims 1 and 9 from which claims 3 and 11 depend, respectively.

8. Claims 3 and 11 recites the limitation "objects" in line 17 for claim 3 and line 29 for claim 11. There is insufficient antecedent basis for this limitation in the claims. The claims are interpreted to state: "the plurality of object files" instead of "the plurality of objects" for consistency in claim language.

9. Claim 17 recites the limitation "different time stamps" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim. The limitation lacks antecedent because it the "at least one module" is only claimed to embed *one* "time stamp" in "at least one of the plurality of object files".

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-61 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching (USPN 6,560,620), hereafter "**Ching**", and further in view of Leblang et al. (USPN 5,649,200), hereafter "**Leblang**".

12. As to claim 1:

Ching discloses identifying a version of a file of the plurality of files (col. 2 lines 18-42 "current version... presented in... list"; col. 1 lines 17-18 "stored... as a file");

comparing the identified version with an initial version (col. 2 lines 18-42 "prior version... listed", "current version... presented", "select first... from one list and another... from other list", "compare the selected"); and

generating an alert in response to the identified version being different than the initial version (col. 2 lines 18-42 "segments containing differences or changes are identified" "display on the user computer").

Ching does not explicitly disclose the type of files as object files in a computer program, although Ching does disclose the version comparison of electronic contents stored on the computer, which may include different forms of information capable of being stored in computer (col. 7 lines 9-24 "electronic content").

Furthermore Leblang teaches versioning of an object file (col. 1 – col. 2 "versioning of all file system objects"; Abstract "version of the... objects").

Leblang and Ching are analogous art as both teach the comparison of versions of files. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to combine the inventions of Leblang and Ching to compare the object files of Leblang as the electronic content or file as compared in Ching, since any type of file can be versioned as taught by Leblang (col. 2 line 1-5 "Any type of file can be versioned...").

13. As to claim 2:

Rejection of claim 1 is incorporated and further Ching discloses wherein each of the plurality of files includes a respective version and further comprising a step of determining an initial version, the initial version includes the respective version of one of the plurality of files (col. 1 lines 17-25 "multiple versions"; col. 2 lines 15-42 "the selected... would be the current version and the... prior version" – The multiple versions are interpreted as each file including a respective version. The step of determining an initial version is the selection of a prior version. It is inherent that the initial version includes the respective version of one of the files.).

14. As to claim 3:

Rejection of claim 2 is incorporated and further Ching discloses wherein the step of determining the initial version further comprises storing the respective version of one of the plurality of files as the initial version in response determining the initial version equals a null value (see rejection of claim 2; col. 1 lines 13-25

“develop...” “stored... as a file” “subsequently make modification” – It is inherent that a respective file will be stored as an initial version in response to determining the initial version equals a null value because an initial version is the version created prior to another version being created, therefore, determining the initial version equals a null value.)

15. As to claim 4:

Rejection of claim 3 is incorporated and further Ching discloses wherein the step of comparing further comprises comparing the identified version to the initial version in response to a value being stored to the initial version (col. 10 lines 18-21 “can compare the time stamps... between versions”).

16. As to claim 5:

Rejection of claim 1 is incorporated and further Ching discloses wherein the step of generating an alert further comprises displaying a message to a user informing the user of a version mismatch (col. 2 lines 18-42 “segments containing differences or changes are identified” “display on the user computer”; col. 10 lines 22-24 “user only presented... containing differences”).

17. As to claim 6:

Rejection of claim 1 is incorporated and further Ching discloses wherein the version comprises at least one of a code version, a date and a time stamp (col. 10 lines 18-21 “time stamps... between versions”).

18. As to claim 7:

Rejection of claim 1 is incorporated and further Ching discloses wherein each of the plurality of files includes a respective textual message (col. 14 lines 29-36 "In... textual document, the component may be a sentence...") and the method further comprises the step of: displaying the textual message for the file in response to the identified version being different than the initial version (col. 14 lines 29-36 "display, the components of the... containing differences...").

19. As to claim 8:

Rejection of claim 7 is incorporated and further Ching discloses storing the respective textual message of one of the plurality of files as an initial textual message in response determining the initial textual message equals a null value (—see rejection of claims 2 and 3- col. 1 lines 15-25 "document contents stored on the computer" As it is inherent that a respective file will be stored as an initial version in response to determining the initial version equals a null value, it is also inherent that the respective textual message is stored as an initial textual message for the initial version. Also, the determining the initial textual message equals a null value is inherent as an initial textual message is the message created with the initial version which is created prior to another version including its textual message; therefore, determining the initial textual message equals a null value.)

displaying the initial textual message in response to the identified version being different than the initial version (col. 14 lines 29-36 "In... textual document, the component may be a sentence..."; col. 14 lines 29-36 "display, the components of the... containing differences...").

20. As to claim 9:

Examiner notes this is the computer readable medium version of claim 1 wherein:

Ching discloses identifying a version of a file of the plurality of files (col. 2 lines 18-42 "current version... presented in... list"; col. 1 lines 17-18 "stored... as a file");

comparing the identified version with an initial version (col. 2 lines 18-42 "prior version... listed", "current version... presented", "select first... from one list and another... from other list", "compare the selected"); and

generating an alert in response to the identified version being different than the initial version (col. 2 lines 18-42 "segments containing differences or changes are identified" "display on the user computer").

Ching does not explicitly disclose the type of files as *object* files in a computer program, although Ching does disclose the version comparison of electronic contents stored on the computer, which may include different forms of information capable of being stored in computer (col. 7 lines 9-24 "electronic content").

Furthermore Leblang teaches versioning of an object file (col. 1 – col. 2 “versioning of all file system objects”; Abstract “version of the... objects”). Leblang and Ching are analogous art as both teach the comparison of versions of files. One of ordinary skill in the art at the time of the applicant’s invention would have been motivated to combine the inventions of Leblang and Ching to compare the object files of Leblang as the electronic content or file as compared in Ching, since any type of file can be versioned as taught by Leblang (col. 2 line 1-5 “Any type of file can be versioned...”).

21. As to claim 10:

Rejection of claim 9 is incorporated and further see rejection of claim 2.

22. As to claim 11:

Rejection of claim 10 is incorporated and further see rejection of claim 3.

23. As to claim 12:

Rejection of claim 11 is incorporated and further see rejection of claim 4.

24. As to claim 13:

Rejection of claim 9 is incorporated and further see rejection of claim 5.

25. As to claim 14:

Rejection of claim 9 is incorporated and further see rejection of claim 6.

26. As to claim 15:

Rejection of claim 9 is incorporated and further see rejection of claim 7.

27. As to claim 16:

Rejection of claim 9 is incorporated and further see rejection of claim 8.

28. As to claim 18:

Examiner notes this is the apparatus version of claim 1 wherein:

means for identifying a version of an file of a plurality of files (col. 2 lines 18-42 "current version... presented in... list"; col. 1 lines 17-18 "stored... as a file"; Abstract);

means for comparing the identified version with an initial version (col. 2 lines 18-42 "prior version... listed", "current version... presented", "select first... from one list and another... from other list", "compare the selected"; Abstract); and

means for generating an alert in response to the identified version being different than the initial version (col. 2 lines 18-42 "segments containing differences or changes are identified" "display on the user computer"; Abstract).

Ching does not explicitly disclose the type of files as object files of a computer program, although Ching does disclose the version comparison of electronic contents stored on the computer, which may include different forms of

information capable of being stored in computer application (col. 7 lines 9-24 “electronic content”).

Furthermore Leblang teaches versioning of an object file (col. 1 – col. 2 “versioning of all file system objects”; Abstract “version of the... objects”).

Leblang and Ching are analogous art as both teach the comparison of versions of files. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to combine the inventions of Leblang and Ching to compare the object files of Leblang as the electronic content or file as compared in Ching, since any type of file can be versioned as taught by Leblang (col. 2 line 1-5 “Any type of file can be versioned...”).

29. As to claim 19:

Rejection of claim 18 is incorporated and further Ching discloses wherein each of the plurality of files includes a respective version and the apparatus further comprising a means for determining an initial version, the initial version includes the respective version of one of the plurality of files (col. 1 lines 17-25 “multiple versions”; col. 2 lines 15-42 “the selected... would be the current version and the... prior version”; Abstract – The multiple versions are interpreted as each file including a respective version. The step of determining an initial version is the selection of a prior version. It is inherent that the initial version includes the respective version of one of the files.).

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30. As to claim 20:

Rejection of claim 18 is incorporated and further Ching discloses a means for displaying a message to a user informing the user of a version mismatch in response to the identified version being different than the initial version (col. 2 lines 18-42 “segments containing differences or changes are identified” “display on the user computer”; col. 10 lines 22-24 “user only presented... containing differences” Abstract).

31. As to claim 21:

Rejection of claim 18 is incorporated and further Ching discloses means for encoding a respective version within each of the plurality of files, the respective version including at least one of a code version, a date and a time stamp (col. 10 lines 18-21 “can compare the time stamps... between versions” Abstract).

32. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Publication No. 2001/0052108), hereafter “Bowman”, and further in view of Ching.

33. As to claim 17:

Bowman discloses a plurality of modules (pg. 16 paragraph [0471] “modules”);

a time stamp being utilized with the software development kit (pg. 68 paragraphs [2165-2172] "time stamps"); and

an application developed with the software development kit (Title, pg. 2 lines "developing computer software using objects");

at least one module configured to embed a time stamp, the time stamp being used in display of incident reports to user (pg. 68 paragraphs [2165-2172] "time stamps... incident" – The module to in embed is inherent as the time stamps are clearly taught.).

Bowman does not explicitly disclose the time stamp being embedded in at least one of the plurality of object files and being utilized to identify a corresponding version of the software development kit for each of the plurality of object files. Bowman, also, does not disclose the application configured to generate an error in response to two of the object files having different time stamps. However, Bowman discloses version management of applications comprising a plurality of object files (pg. 16 paragraph [0471-0482] "version control" "keep track of which version" "earlier version").

However Ching discloses time stamps embedded in different files and being utilized to identify a corresponding version of the file (col. 10 lines 13-21 "can compare the time stamps... to determine... between versions"). Also Ching discloses an application utilized to generate an error in response to two of the files having different time stamps (col. 10 line 13-23 "user... presented... differences" col. 2 lines 18-42 "identified as containing modification or changes" – The developed application is inherent as these are software implemented steps

of Ching for displaying error report in response to different time stamps suggesting different versions.).

One of ordinary skill in the art at the time of the applicant's invention would have been motivated to combine the analogous art of Ching and Bowman for version control of files. The motivation would have been to use a time stamps of Bowman as the time stamps of Ching to identify versions of the object files of Bowman and generate an error if the object files have different time stamps as well known in the art is the need to manage versions of files as taught by Bowman on pg. 16, paragraph [0482].

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tate et al. (USPN 5,991,774).

Schmidt et al. (USPN 4,558,413).

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlene Gordon whose telephone number is (571) 272-3722. The examiner can normally be reached on Mon.-Fri. 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG / C.M.



ANIL KHATRI
PRIMARY EXAMINER